

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

Special Meeting Minutes
September 18, 2007
Olympia, Washington

Members Present: Chair Tom Carr, Senator Adam Kline, Senator Pam Roach, Representative Lynn Kessler, Representative Jay Rodne, Tim Ford, John Hughes, Ken Bunting, Frank Garred, Roselyn Marcus, Ramsey Ramerman, and Candy Jackson

Member Absent: Patience Rogge

Staff present: Jean Wilkinson, Danielle French and Tammy Teeter (minute taking only)

Opening:

Chair Carr called to order a special meeting of the Public Records Exemptions Accountability Committee at 9:03 a.m. on September 18, 2007, in the Commissioners' Hearing Room at the Utilities and Transportation Commission, 1300 Evergreen Park Drive SW, Olympia, Washington.

Approval of Agenda

***Motion:** Approve the agenda for the September 18, 2007 meeting. Made by John Hughes, seconded by Representative Kessler. The motion passed unanimously.*

***Motion:** Motion to approve the minutes from the August 28, 2007 meeting. Made by Roselyn Marcus, seconded by Candy Jackson. The motion passed unanimously.*

Introduction of Counsel to Committee

Chair Carr introduced Assistant Attorney General Jean Wilkinson as the counsel Attorney General Rob McKenna assigned to staff the Committee. The Office of Financial Management (OFM) and the Attorney General's Office (AGO) are to jointly staff the Committee pursuant to Substitute Senate Bill No. 5435. AAG Wilkinson will be the first point of contact for the Committee and will be the lead staff person that will give assignments. Roselyn Marcus thanked Jean for acting as Committee counsel, but also requested that she work with OFM on staffing and assignments. AAG Wilkinson explained that she saw her role as the contact for preparing and coordinating materials for each meeting and answering legal questions. She sees her role as being responsible for compiling an objective package of research materials for the Committee to use to do policy work.

Criteria Subcommittee Meeting

Chair Carr reported that the Criteria Subcommittee met September 12th. The subcommittee produced proposed criteria. Tim Ford also provided the Committee with a handout that he produced from his research. His handout included proposed criteria with citations needed to look at what is mandated by case law. Discussion was held on what was the Criteria

Subcommittee's original charge. Was it to provide proposed procedure and protocol to get through the 300 hundred exceptions assigned to the Committee? Chair Carr explained the charge for the subcommittee was a two part charge: 1) to propose criteria to evaluate each exception with some uniformity of review; and 2) a proposed review procedure.

A checklist created by Ramsey Ramerman was used at the subcommittee meeting and only a few changes had been suggested. After review and lengthy discussion, a motion was made.

Motion: *To combine the two criteria documents proposed by the subcommittee and Mr. Ford, but to eliminate "save taxpayer money" and replace it with "vital government interest/function"; and to give all criteria equal weight. Made by Ken Bunting, seconded by John Hughes. Senator Kline wanted to clarify that the two criteria would be merged – criteria produced by the subcommittee and criteria provided by Tim Ford. The motion passed unanimously.*

Criteria Worksheet

Senator Roach stated she would like to see the criteria worksheet, or at the least, the format of the worksheet produced by Ramsey Ramerman used in reviewing each exemption. Ms. Marcus described various amendment to the worksheet discussed in the subcommittee meeting. Senator Kline asked that number 7 heading in the criteria worksheet be edited – remove "Type" and replace with "Exemption protects".

Motion: *To adopt criteria worksheet as amended. Made by Senator Kline, seconded by Jay Rodne. Ramsey Ramerman suggested the worksheet be sent back to the subcommittee. Senator Kline withdrew his motion.*

Motion: *To send the criteria worksheet as amended by the Committee back to the subcommittee. Made by Ramsey Ramerman, seconded by Ken Bunting. Senator Roach suggested in the interest of time that the worksheet be adopted without going back to the subcommittee. Ramsey Ramerman withdrew his motion.*

Motion: *Adopt criteria worksheet front as amended by the subcommittee and Committee discussion. Made by Representative Kessler, seconded by John Hughes. The motion passed unanimously.*

Meeting Location

Some discussion was had regarding the "Sunshine Committee" meeting locations. It was suggested that Olympia meetings be held at the Capitol campus. It was noted that TVW capabilities for the meeting place be a requirement.

Meeting Break

Break taken at 10:15 a.m.

Meeting Resumed

Meeting resumed at 10:33 a.m.

Public Comment

Teresa Atkinson, Technology Safety Coordinator for the Washington State Coalition Against Domestic Violence (WSACDV)—Requested Committee to consider the following points when reviewing exemptions involving personal information: 1) expectations of individuals of what information is being released to the public; 2) process to opt out due to personal safety; 3) federal law requiring no personal identification should be released in public records.

Toby Nixon, President of Washington Coalition for Open Government (WACOG)—Commented on previous speaker's request. He stated that vital public records such as birth, death, and marriage licenses are not the same as what he felt Ms. Atkinson was speaking to. He stated vital records and public records are two different issues. Does it fall under the Committee's purview He does not feel that vital public records are subject of the PRA.

Schedule for Future Committee Consideration Exemptions

Chair Carr noted the requirement under SSB 5435 Section 2 para. 7(b) to adopt a schedule. After lengthy discussion, Chair Carr requested the Committee suggest exemptions for the Committee to review at the October 2007 meeting. The list of exemptions suggested by members was narrowed down by motions.

***Motion:** Adopt the Excel Spreadsheet of Exemptions provided to all members at the August 28, 2007 meeting as the schedule for examining the exemptions. Made by Senator Kline, seconded by Ken Bunting. The motion passed unanimously.*

***Motion:** Move exemptions 42.56.380(6) – Ginseng; exemption 42.56.360(1)(f) – Information on Infant Mortality to the top of the schedule for the October 16, 2007 Committee meeting. Made by Senator Kline, seconded by Ken Bunting. The motion passed unanimously.*

***Motion:** Move exemption 42.56.260 – Real Estate Appraisal as a third item to be moved to the top of the schedule for the October 16, 2007 special Committee meeting. Made by Senator Roach, no second. Motion failed.*

***Motion:** Move 42.56.010 (42.17.020) - Legislative Exemption; and exemption 42.56.250(2) – Application for Public Employment as items three and four to be moved to the top of the schedule for the October 16, 2007 meeting. Made by Ken Bunting, seconded by John Hughes. The motion passed unanimously.*

Bylaws

***Motion:** Adopt draft Bylaws. Made by Ken Bunting, seconded by Frank Garred. Discussion and suggested amendments: Page 4, amend reference to website; amendment to Article 5, keep as stated without language “when in executive session”; Page 2, Section 2, remove delete last sentence regarding calling executive sessions; Page 4, Article 6, Section 1 to include written public comments as well as in person public comments. All friendly amendments accepted by Ken Bunting and Frank Garred. The motion passed unanimously.*

Table to Next Meeting

How will emails be sent and received?

Next Meeting

October 16, 2007 at 10:00 a.m. in Ellensburg, Washington

Adjournment:

Meeting was adjourned at 12:10 p.m. by Chair Carr.

Minutes submitted by: Danielle French & Tammy Teeter

Handouts included:

- Agenda
- Draft Minutes
- Proposed Criteria from the Criteria Subcommittee
- Criteria Worksheet
- Proposed Criteria from Tim Ford
- Draft ByLaws
- Legislative History on Exemptions - RCW 42.56.230(4), .240(2), .250(2)

Approved: October 16, 2007